



# OLR RESEARCH REPORT

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2013-R-0185

## SUMMARY OF RAISED SENATE BILL 1076

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This report provides a summary of Senate Bill 1076, which the Public Safety and Security Committee voted to draft on March 6, 2013. The following terms are used interchangeably throughout this report: (1) firearms and guns and (2) handgun permit and gun permit. The report also refers to a dealer permit, which is required by licensed gun dealers who sell handguns and anyone who sells more than 10 handguns in a calendar year.

### SUMMARY

Senate Bill 1076 makes numerous changes in the laws governing firearms. The major changes pertain to assault weapons, handguns (pistols and revolvers), and long guns (rifles and shotguns). It also regulates ammunition, which is currently unregulated except for .50 caliber armor piercing ammunition and .50 caliber bullets or incendiary .50 caliber bullets, which are banned.

Among other things, the bill:

1. expands the definition of assault weapons to include, among other firearms, (a) semi-automatic pistols or revolvers that have one instead of two specified features, (b) semi-automatic rifles and pistols with a fixed magazine that can accept more than 10 rounds of ammunition, and (c) shotguns with a revolving cylinder (§ 1);
2. effective July 1, 2013, generally bans the sale and acquisition of these newly added weapons (§§ 2-5);

3. effective July 1, 2013, generally bans the possession of these weapons by anyone, except people who lawfully possessed them before July 1, 2013 and apply to register them with the Department of Emergency Services and Public Protection (DESPP) by April 1, 2014 (§ 3);
4. extends existing law's penalties for violating the assault weapons ban to the newly added weapons (§§ 1-5);
5. (a) establishes a state gun registry under DESPP for law enforcement use only and, effective July 1, 2013, requires all gun owners to register each firearm separately with DESPP annually (§ 32);
6. beginning July 1, 2014, generally makes it illegal to possess or carry an unregistered firearm (§ 22 & 38);
7. (a) requires anyone whose application to register a firearm is denied or whose registration card is revoked to surrender his or her firearms to DESPP and (b) DESPP to retrieve any such firearm not surrendered within 48 hours of its final decision (§ 40);
8. (a) requires DESPP to establish a state gun offender registry by January 1, 2014, (b) designates more than 40 offenses as "gun offenses," and (c) requires people convicted of any of them to register for five years and semi-annually update their information in the registry (§§ 26-28);
9. limits the number of long guns anyone may purchase or otherwise acquire to one per month (§ 6);
10. beginning October 1, 2013, creates a rifle permit, subject to substantially the same terms governing the permit to carry handguns (gun permit), including criminal history record checks (§§ 6-12);
11. effective October 1, 2013, requires anyone, except a federal marshal, parole officer, or peace officer, buying a long gun from a dealer to have either a rifle permit, gun permit, gun dealer permit, or gun eligibility certificate, (§ 6);
12. requires gun dealers to equip long guns with a trigger lock or other locking mechanism when they sell them, as they must currently do for handguns (§ 6);

13. requires (a) gun dealers to have a gun permit, rifle permit, dealer permit, or gun eligibility certificate to sell ammunition, and (b) anyone buying or possessing ammunition to have a registration card (§§ 6 & 33);
14. seemingly prohibits Internet sales and purchases of ammunition by (a) requiring anyone who sells ammunition to check a photo identification of the buyer, (b) prohibiting licensees (gun dealers, importers, and manufacturers) from shipping and transporting ammunition to anyone except to other licensees, and (c) requiring anyone who buys or possesses ammunition to obtain a registration card identifying a firearm suitable for use with the ammunition and present it at the time of purchase (§§ 23 & 33);
15. expands the mental health grounds for denying a permit to carry a handgun (gun permit) or gun eligibility certificate (§§ 20 & 21); and
16. makes knowing possession of body armor illegal under any circumstances, not just possession after conviction for specified felonies and serious juvenile offenses (§ 24).

The bill allows DESPP to charge an administrative fee to register each firearm under the gun registration program (§ 35).

The bill appropriates an unspecified sum to DESPP for FY 14 to increase its forensic science laboratory's ability to timely process firearms and fired components of ammunition submitted to the laboratory and enter evidence into the firearms evidence databank (§ 44).

The bill establishes criminal penalties for violations of many, but not all, of its provisions. It also makes minor miscellaneous, technical, and conforming changes.

## **ASSAULT WEAPONS**

### ***Definitions***

Current law defines an "assault weapon" as

1. any selective-fire firearm capable of fully automatic, semiautomatic, or burst fire at the user's option;
2. any of a list of named firearms;

3. any unlisted semi-automatic rifle or pistol that can accept a detachable magazine and has at least two of five specified features;
4. any semiautomatic shotgun that has at least two of four specified features; or
5. a part or combination of parts designed or intended to convert a firearm into an assault weapon if the parts are in the possession or under the control of the same person ([CGS § 53-202a](#)) (see BACKGROUND).

**Rifles.** The bill adds the following rifles to the definition of an assault weapon—any semiautomatic centerfire rifle that:

1. can accept a detachable magazine and any one of the following: a (a) pistol grip that protrudes conspicuously beneath the action of the weapon, (b) thumbhole stock, (c) folding or telescoping stock, (d) grenade launcher or flare launcher, (e) flash suppressor, or (f) a forward pistol grip;
2. has a fixed magazine that can accept more than 10 rounds of ammunition; or
3. has an overall length of less than 30 inches (lines 66-79).

**Pistols.** The bill adds the following pistols to the definition of assault weapons: any semiautomatic pistol with a fixed magazine that can accept more than 10 rounds of ammunition. It also adds semi-automatic pistols that can accept a detachable magazine and has any one of the following features:

1. a threaded barrel, capable of accepting a flash suppressor, forward handgrip or silencer;
2. a second handgrip;
3. a shroud attached to, or that partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel; or
4. the capacity to accept a detachable magazine at some location outside of the pistol grip (lines 80-91).

**Shotguns.** The bill adds the following shotguns to the definition of assault weapons:

1. semi-automatic shotguns that have both a folding or telescoping stock and a pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip;
2. semi-automatic shotguns that can accept a detachable magazine; and
3. any shotgun with a revolving cylinder (lines 92-98).

**Parts.** The bill also includes a part or combination of parts designed or intended to convert a firearm into an assault weapon or which may be rapidly assembled into an assault weapon, if the parts are in the possession or under the control of the same person (lines 99-104).

### ***Prohibitions and Exemptions***

The bill generally bans the sale, acquisition, or possession of the newly added weapons under similar conditions to the ban on assault weapons under existing law.

**Legal Possession.** Anyone who legally possessed one of the newly banned weapons before July 1, 2013 may continue to do so by applying to DESPP for a certificate of possession for the firearm by April 1, 2014 and otherwise complying with the bill (lines 187-192). A member of the U.S. Military or Navy who is unable to apply by April 1, 2014 because he or she is out of state on official duty has 90 days after returning to Connecticut to apply for a certificate. The certificate must contain a description of the firearm that identifies it uniquely, including all identification marks; the owner's full name, address, date of birth and thumbprint; and any other information DESPP deems appropriate (lines 219-231).

Beginning October 1, 2013, the bill prohibits anyone with a certificate of possession for any of the newly added assault weapons from (1) selling the weapon in Connecticut to anyone except a licensed gun dealer or (2) otherwise transferring the weapon except by (a) bequest or intestate succession or (b) prior arrangement to DESPP or a local police department. Anyone who inherits an assault weapon for which a certificate was issued has 90 days to apply for a certificate or sell the weapon to a licensed gun dealer, make it permanently inoperable, or take it out of state (lines 247-258).

Anyone who moves into Connecticut in lawful possession of an assault weapon has 90 days to make it permanently inoperable, sell it to a licensed gun dealer, or remove it from of state. But members of the military or naval forces transferred to Connecticut after April 1, 2014 in lawful possession of an assault weapon may apply to DESPP for a certificate within 90 days of arriving here (lines 298-319).

Under the law and bill, anyone who possesses an assault weapon for which a certificate has been issued may possess it only at specified locations, such as his or her home or business place, at a licensed shooting club, or at a target range that holds a license for practicing target shooting (lines 298-319).

### ***Exemptions***

The bill contains the same sales and possession exemptions for the newly added weapons as current law contains with regard to assault weapons. It allows the sale of assault weapons for official use to the Department of Correction (DOC), DESPP, police departments, and Connecticut's and the U.S. military or naval forces (lines 123-127). It allows possession by employees or members of these agencies for official use. And it further specifies that it does not prohibit possession or use of assault weapons by sworn members of these agencies when on duty and within the scope of their duties (lines 165-174).

As is the case with assault weapons for which a certificate of possession is issued under existing law, the bill allows the newly added weapons to be possessed or received, under defined circumstances, by (1) executors or administrators of an estate that includes an assault weapon for which a certificate has been issued (2) licensed gun dealers, and (3) gunsmiths. Similarly, it allows for (1) individuals to arrange to relinquish a weapon to a police department or DESPP; (2) temporary transfers or possession for certain out-of-state events; and (3) the weapons to be transported to or from a shooting competition or exhibition, display, or educational project about firearms sponsored, conducted by, approved, or under the auspices of a law enforcement agency or a national or state-recognized entity that fosters proficiency in firearms use or promotes firearms education.

EFFECTIVE DATE: July 1, 2013

## **RIFLE PERMIT (§ 6)**

### ***One Gun Per Month Limit***

Beginning July 1, 2013, the bill prohibits anyone from (1) buying more than one long gun in any 30-day period or (2) selling, delivering, or otherwise transferring more than one long gun to the same person in any 30-day period (lines 422-430).

The bill prohibits the DESPP commissioner from authorizing the sale or other transfer of more than one long gun in any 30-day period, except to (1) federal or state law enforcement agencies buying the firearms for use by officers while performing their duties, (2) anyone returning or exchanging or replacing a firearm, or (3) anyone whose firearm was lost or stolen and who provides a copy of the police report of the incident to the transferor (lines 374-378, 431-444).

### ***Rifle Permit***

Beginning October 1, 2013, the bill prohibits gun dealers from selling long guns to anyone unless the person (1) holds a valid rifle permit, gun permit, gun dealer permit, or eligibility certificate or (2) is a parole officer, peace officer, or federal marshal (lines 336-346). And it prohibits anyone who does not have one of the credentials from receiving or purchasing a long gun from a dealer.

The bill explicitly prohibits gun dealers from selling, delivering, or otherwise transferring long guns to anyone prohibited from possessing long guns under state or federal law (lines 347-350).

### ***Ammunition Restriction***

Beginning October 1, 2013, the bill prohibits gun dealers from selling, delivering, or otherwise transferring ammunition for long guns to anyone unless the person holds a valid gun permit, rifle permit, gun dealer permit or handgun eligibility certificate (lines 442-450) (see §§ 22 & 33 for more provisions on ammunition).

### ***Trigger Locks***

The bill requires any gun dealer who sells, delivers, or otherwise transfers any long gun, to equip it with a reusable locking device constructed of material sufficiently strong to prevent it from being easily disabled. The lock must also have a mechanism accessible by key or by electronic or other mechanical assessor specific to the device to prevent unauthorized removal (lines 384-391).

### ***Hunting License Exemption to Waiting Period Eliminated***

Under current law, no credential is required to buy a long gun. But with limited exceptions, anyone buying a long gun from a gun dealer must wait two weeks before the dealer can transfer the firearm to him or her. (The waiting period is to allow the State Police to conduct criminal history record checks on the purchaser.)

The waiting period does not apply to federal marshals, parole officers, and peace officers; anyone holding a valid state gun permit or eligibility certificate; U.S. Armed Forces members or reservists; or antique firearm purchases. Also, the requirement to sign a receipt for the firearm and for the dealer to maintain the receipt for five years does not apply to these transactions.

The bill (1) eliminates the hunting license exemption, (2) adds an exemption for anyone with a rifle permit, and (3) eliminates the related exemption (lines 403-414).

### ***Penalty for Violation***

The bill makes it a class D felony to violate its provisions pertaining to limits on long gun sales and purchases, rifle permit requirements, ammunition regulation, and the trigger lock mandate. It also makes it a class D felony to violate existing law's provisions governing dealer transfer of long guns. Current law specifies no penalty for these violations. In either case, if a person transfers a firearm in violation of these provisions, knowing that it is stolen or that the manufacturer's number or other identification mark has been altered, removed, or obliterated, the violation is a class B felony (lines 451-456).

EFFECTIVE DATE: July 1, 2013

### **APPLICATION PROCEDURE FOR RIFLE PERMIT (§ 7-14)**

The bill creates a state rifle permit and establishes procedures for getting one. It subjects the permit to substantially the same standards, processes, and



criteria that apply to the existing handgun permit, including state and national criminal history record checks. These include the application and renewal procedures, eligibility and issuing criteria, investigation and appeals procedures, and penalties. The rifle permit applies to both rifles and shot guns.

One major difference between the gun permit and rifle permit is that the law prohibits the issuance of the gun permit to people convicted of specified misdemeanors. The bill does not contain this prohibition for the rifle permit. Also, the minimum age for getting a handgun permit is 21; the minimum age for the rifle permit is 18.

The rifle permit, like the gun permit, costs \$140, plus the amount the Federal Bureau of Investigation charges to conduct a national criminal history record check. The money is split equally between the state and the town.

EFFECTIVE DATE: July 1, 2013

#### **TECHNICAL CHANGES (§§15-19)**

These sections make conforming changes with regard to the rifle permit.

EFFECTIVE DATE: July 1, 2013

#### **HANDGUN PERMIT AND ELIGIBILITY CERTIFICATE (§§ 20 & 21)**

The bill broadens the mental health provisions that disqualify a person for a gun permit or gun eligibility certificate. (The same prohibitions also apply under the bill to the rifle permit.)

By law, a person is ineligible for a gun permit or eligibility certificate if he or she has been discharged from custody within the preceding 20 years after having been found not guilty of a crime by reason of mental disease or defect. The bill also makes ineligible anyone discharged more than 20 years ago after having been found not guilty of a crime by reason of mental disease or defect, unless a psychiatrist or psychologist has examined him or her and certified within the preceding 30 days that he or she is not a danger to himself or herself or other people.

By law, a person confined in a psychiatric hospital by probate court order within the preceding 12 months of an application is ineligible for a gun permit or certificate. The bill also makes someone so confined at any time before the

preceding 12 months ineligible, unless a psychiatrist or psychologist has examined him or her and certified within the preceding 30 days that he or she is not a danger to himself or herself or others.

The bill also makes ineligible for the credentials anyone who has:

1. ever been found not competent to stand trial, unless a court has determined that the person has regained competency and a psychiatrist or psychologist has certified within the preceding 30 days that he or she is not a danger to himself or herself or others, or
2. been the subject of a report to a law enforcement agency by a physician or mental health professional who in good faith believes that he or she is a danger, or poses a risk of imminent personal injury, to himself or herself or others, unless a psychiatrist or psychologist has examined him or her and certified within the preceding 30 days that he or she is not dangerous.

The bill grants no immunity from liability to psychiatrists or psychologists who provide such certifications.

EFFECTIVE DATE: July 1, 2013

## **CRIMINAL HISTORY RECORD CHECKS FOR ELIGIBILITY CERTIFICATE RENEWAL (§ 22)**

The bill conforms the law to practice by (1) requiring the DESPP commissioner to investigate and conduct state and national criminal history records checks on anyone renewing an eligibility certificate to determine that the applicant is eligible under state law to get this credential and (2) prohibiting the renewal unless the commissioner has received the results of the national criminal history records check.

EFFECTIVE DATE: July 1, 2013

## **AMMUNITION RESTRICTIONS (§ 23)**

The bill prohibits licensed importers, manufacturers, or dealers from transferring ammunition to anyone in Connecticut unless the licensee verifies the transferee's identity by examining a valid identification document containing a photograph of the transferee. It prohibits such licensees from shipping or transporting ammunition to anyone in Connecticut except other licensees (lines 1080-1093).

EFFECTIVE DATE: July 1, 2013

### **BODY ARMOR BANNED (§§ 24 & 25)**

With exemptions, the bill bans knowing possession of body armor by anyone. Prior law banned possession, knowing or otherwise, by people convicted of specified felonies and serious juvenile offenses. The bill also bans the sale of body armor.

The bill exempts possession by, or sale to, (1) sworn members or authorized officials of police departments, the State Police, the Department of Correction (DOC), the Division of Criminal Justice, the Board of Pardons and Paroles, the Department of Motor Vehicles, or the Judicial Branch or (2) a member of the U.S. Armed Forces or Reserves or the state armed forces.

By law, criminal possession of body armor is a class A misdemeanor. The sale of body armor to an unauthorized person is a class B misdemeanor.

EFFECTIVE DATE: July 1, 2013

### **ESTABLISHMENT OF GUN OFFENDER REGISTRY (§ 26)**

By January 1, 2014, the bill requires DESPP to establish and maintain a registry of everyone who has committed any gun offenses (see APPENDIX 1 for a list of the offenses). In cooperation with DOC, the Office of the Chief Court Administrator, and the Psychiatric Security Review Board, DESPP must develop appropriate forms for agencies and individuals to use to report registration information, including address changes. DESPP must enter registration information it receives into the registry and notify the local police department or state police troop having jurisdiction where a registrant lives or plans to live (lines 1218-1229).

Registrants must notify DESPP when they move and DESPP must enter the information into the registry and notify the local police department or state police troop having jurisdiction where the registrant previously lived and where he or she relocated. The DESPP commissioner must also ensure that the name and residence address of each registrant is available through the department's Connecticut On-Line Law Enforcement Communication Teleprocessing system. If a registrant moves to another state, DESPP may notify that state's state police agency or such other agency that maintains registry information, if known (lines 1229-1241).

DESPP may suspend the registration of anyone incarcerated, under civil commitment, or living out of state. During that time, it may withdraw the registration information from access to law enforcement agencies. When the

registrant is released from incarceration or civil commitment or resumes living in the state, DESPP must reinstate the registration and redistribute the registration information in accordance with the bill. Suspension of registration does not affect the expiration date of the registration (lines 1242-1253).

DESPP must include in the registry the most recent photograph of each registrant taken by DESPP, DOC, a law enforcement agency, or the Judicial Department's Court Support Services Division (lines 1254-1258).

### ***Name Changes***

DESPP must revise a registrant's information whenever the court notifies the commissioner that it has issued an order for the name change of a registrant (lines 1259-1266).

The DESPP commissioner must develop a protocol for notifying other state agencies, the Judicial Department, and local police departments whenever (1) a registered person changes his or her name and notifies him or (2) he determines that a registered person has changed his or her name (lines 1267-1274).

### ***Confidentiality of Gun Offender Registry Information***

The registry information is not publicly disclosable, except as authorized by the bill.

EFFECTIVE DATE: January 1, 2014

## **GUN OFFENDER REGISTRY INFORMATION (§§ 26, 27 & 28)**

### ***Initial Registration***

Anyone convicted, or found not guilty by reason of mental disease or defect, of a gun offense and released into the community on or after January 1, 2014, must register with DESPP within 14 calendar days after being released. Anyone in the DOC commissioner's custody must register before release as the DOC commissioner directs. The person must provide his or her name, identifying factors (such as fingerprints), criminal history record, and home and email addresses on forms and locations that the DESPP commissioner indicates. The obligation to register applies (1) whether the person lives in or out of state or (2) even if the case is on appeal. The DESPP commissioner must maintain the registration information for five years (lines 1280-1292).

The bill requires the court, before accepting a plea of guilty or *nolo contendere* (no contest) from a person for a gun offense, to inform him or her of the registration consequences of the plea and determine that the person fully understands them (lines 1293-1298).

A registrant who changes his or her name or address must notify the DESPP commissioner in writing of the change, without undue delay. During the registration period, registrants must complete and return any forms mailed to them to verify their home address and retake photographs if the commissioner requests this (lines 1299-1320).

### ***Registration Updates***

People required to register must do so within six months and 20 days after the initial registration date. Every six months afterwards, until the registration expires, they must go to the local police department or state police troop having jurisdiction where they live to verify and update the registration, as appropriate. The department or troop, as applicable, may defer the appearance to a later date for good cause. Not later than 30 calendar days before each semiannual visit, DESPP must mail written notice of the requirement to the registrant and police department or troop, as applicable. The troop or department must notify the commissioner on DESPP-prescribed forms whether the registrant appeared. If the registrant's appearance was deferred, the form must show the new date and describe the good cause for the deferral (lines 1311-1336).

Anyone who fails to (1) inform the DESPP commissioner if he or she changes his or her name or (2) register and update his or her status as required is guilty of a class D felony. But a person who fails to notify the DESPP commissioner without undue delay of a change of name, address, or status or other reportable event is subject to the penalty only if the failure continues for five business days (lines 1337-1344).

### ***Registration Information***

The registration information for each registrant must include:

1. the offender's name, including any aliases or other name by which he or she has been legally known;
2. identifying information, including a physical description;
3. current home address;

4. a description of the offense and the date of the conviction; and
5. the date the offender was released from incarceration, if the offender served a prison term.

The offender must sign and date the registration.

When an offender appears to register, DESPP must photograph him or her, arrange for him or her to be fingerprinted, and include the photograph and a complete set of fingerprints in the registry. If the offender must, by law, submit to the taking of a blood or other biological sample for DNA analysis and has not done so, the commissioner must also require a sample to be taken. DESPP may require the offender to provide documentation to verify the contents of the registration (lines 1358-1371).

EFFECTIVE DATE: January 1, 2014

#### **NAME CHANGES (§§ 29 & 30)**

The bill treats being on the gun offender registry the same as being on the sex offender registry with respect to court approval of name changes.

EFFECTIVE DATE: January 1, 2014

#### **GUN REGISTRATION MANDATE (§§ 31 & 32)**

The bill requires all firearms, other than antique firearms, to be registered. Anyone who owns or possesses a firearm on July 1, 2013 must apply to register it by July 1, 2014. Beginning July 1, 2014, the bill prohibits anyone from delivering or acquiring a firearm until the:

1. buyer or transferee has completed an application to register the firearm in accordance with the bill,
2. seller has verified that the prospective registrant is the person whose driver's license or other government-issued identification card is contained in the application,
3. seller has transmitted the completed registration application to register the firearm to DESPP in a manner DESPP prescribes, and
4. seller has provided a receipt for the application to the prospective registrant on a DESPP-prescribed form.

A person who produces a valid receipt showing that he or she has a registration application pending is deemed to comply with the bill (lines 1468-1492).

EFFECTIVE DATE: July 1, 2013

### **AMMUNITION REGULATION (§ 33)**

Starting July 1, 2014, the bill prohibits anyone from buying or possessing ammunition without first obtaining a DESPP registration card identifying a firearm suitable for use with that ammunition.

Starting July 1, 2014, the bill prohibits anyone from delivering ammunition without first verifying that the buyer possesses a (1) registration card for a firearm suitable for use with that ammunition or (2) receipt showing that the person has an application pending to register a suitable firearm (see also §§ 6 & 23 for additional provisions on ammunition).

EFFECTIVE DATE: July 1, 2013

### **EXEMPTION FROM GUN REGISTRATION MANDATE AND AMMUNITION RESTRICTIONS (§ 34)**

The requirement to register firearms and the prohibition on purchasing or possessing ammunition without obtaining a registration card do not apply to the ownership, possession, or receipt of a firearm or ammunition by, or delivery of a firearm or ammunition to:

1. (a) law enforcement or corrections agencies or (b) law enforcement or corrections officers acting within the course and scope of their employment;
2. U.S. marshals, U.S. Armed Forces members, National Guard members, or federal officials, required to possess firearms while carrying out their official duties;
3. properly licensed gun manufacturers, importers, or dealers engaged in the course and scope of their activities as licensees;
4. gunsmiths who possess firearms solely for service or repair;

5. common carriers, warehousemen, or other people engaged in the business of transporting or storing goods, to the extent that the possession or receipt of any firearm is in the ordinary course of business and not for their personal use;
6. anyone under age 18 who possesses a firearm for lawful hunting, sporting, or for other lawful recreational activity while under the registrant's direct supervision and control;
7. anyone age 18 or older who possesses a registered firearm while accompanying the registrant and using the firearm for lawful hunting or sporting, or other lawful recreational activity;
8. new residents who brought their firearms into Connecticut in the preceding 60 days or who produce a valid receipt showing that they have a registration application pending;
9. nonresidents participating in lawful hunting, sporting, or other lawful recreational activity, provided their ownership or possession of a firearm for such purposes is lawful in their home state and the weapon is transported in compliance with federal law;
10. anyone using a loaned firearm solely to shoot at targets, if the loan occurs on the premises of a properly licensed target facility and the firearm is at all times kept at the target range;
11. anyone who has acquired a firearm upon the death of the former owner within the preceding 60 days, or who produces a valid receipt showing a pending registration application for such a firearm;
12. anyone lawfully transporting a firearm through Connecticut in accordance with federal law; or
13. any adult relative of the registrant, if the registrant lives with the relative but is not currently present in the residence, provided the relative does not maintain control over the firearm for more than 14 consecutive days. This exception does not apply if (a) the registrant or the relative knows or has reasonable cause to believe that state or federal law prohibits the relative from purchasing or possessing firearms or (b) the registrant knows or has reasonable cause to believe that the relative is likely to use the firearm for unlawful purposes (lines 1503-1559).

EFFECTIVE DATE: July 1, 2013



## **GUN REGISTRATION PROCEDURES (§ 35)**

Anyone required to register a newly acquired firearm must obtain a DESPP registration application from the seller and complete and submit it to the seller, signed under penalty of false statement.

The bill requires anyone registering a firearm lawfully owned or possessed on July 1, 2013, brought into the state by a new resident, or acquired by operation of law upon the death of the former owner to (1) appear in person at a time and place DESPP designates and (2) submit the completed application to DESPP, in writing, signed under penalty of false statement (lines 1560-1573).

### ***Registration Information***

Anyone registering a firearm must provide the following information on a DESPP-prescribed registration:

1. full name and any other name by which he or she was ever known;
2. home address and telephone number;
3. occupation, business address, and business telephone number;
4. gender, race, height, weight, date and place of birth, country of citizenship, Social Security number, or alien or admission number, as applicable;
5. a copy of the applicant's current driver's license or other government-issued identification card containing his or her photograph;
6. information about any denial or revocation of a license, permit, certificate, or registration card pertaining to any firearm the applicant owned or possessed;
7. the make, model, manufacturer's name, caliber, or gauge and serial number and any other distinguishing numbers of all firearms for which the applicant seeks to obtain a registration card;
8. name, address, and telephone number of the person from whom each firearm was obtained and, in the case of a firearms dealer, the dealer's license number;
9. date each firearm was acquired;

10. name and description of any instance in which, any court, board, commission, or other lawful authority has done either of the following, including dates of commitment and release: (a) determined that the applicant, as a result of marked subnormal intelligence, mental illness, incompetence, condition, or disease, was a danger to himself or herself or others, lacked the mental capacity to contract or manage his or her own affairs, was found not guilty of a crime by reason of mental disease or defect or was incompetent to stand trial; or (b) involuntarily committed the applicant to a hospital for psychiatric disabilities, including the name and address of the hospital;
11. an authorization and release to obtain information relevant to the applicant's eligibility to register a firearm from any source, that waives any right to confidentiality and requests the disclosure of such information to DESPP solely to determine the applicant's eligibility to register a firearm;
12. two identical color photographs of the applicant's face, frontal view, two inches square in size, taken within the 30 days immediately preceding the application date, as specified in regulations;
13. the applicant's right thumbprints; and
14. any other information DESPP deems necessary to process the application.

### ***Registration Fee***

On and after July 1, 2014, DESPP may charge a fee to cover the administrative costs of registering each firearm (lines 1560-1623).

EFFECTIVE DATE: July 1, 2013

### **CRIMINAL HISTORY RECORD CHECKS (§ 36)**

The bill requires DESPP to conduct state and national criminal history records checks and a background check on anyone who applies to:

1. get a registration card for a firearm that was lawfully owned or possessed on July 1, 2013, was brought into this state by a new resident, or was acquired upon the death of the former owner, or

2. renew a registration card unless, within 12 months of the date the renewal application is submitted, the applicant passed a DESPP background check in connection with the acquisition of another firearm.

The bill does not appear to require a criminal history or background check for initial registrations except as specified in number (1) above.

The bill prohibits DESPP from issuing or renewing a card if the applicant is prohibited from purchasing or possessing a firearm under federal or state law (lines 1624-1639).

EFFECTIVE DATE: July 1, 2013

### **APPROVAL AND DENIAL OF REGISTRATION (§ 37)**

After considering an application to get or renew a registration card and all pertinent information, DESPP must either approve or deny the application and notify the applicant in writing of the decision, including the reasons for the denial, and the appeal procedures (lines 1640-1646).

DESPP may grant or renew a registration card only if the applicant complies with the bill's applicable provisions and all other applicable state and federal laws relating to firearms and ammunition. It must revoke and cannot issue or renew the registration card of anyone:

1. who does not meet any of the requirements for getting or renewing a card,
2. who used fraud or misrepresentation to secure a card,
3. who is or becomes ineligible to purchase or possess a firearm under state or federal law, or
4. when any event occurs that would have disqualified the applicant from getting an original registration card (lines 1647-1662).

EFFECTIVE DATE: July 1, 2013

### **ISSUANCE OF REGISTRATION CARDS (§§ 38, 39, & 40)**

When DESPP approves an application to register a firearm, it must issue a registration card for each firearm listed on the application. Each registration card must contain:

1. the registration date;
2. a unique registration number;
3. the registrant's name, home address, date of birth, and photograph;
4. the firearm manufacturer's name;
5. the make, model, caliber, gauge and serial number of the firearm;
6. the registration's expiration date; and
7. such other personal information as DESPP requires (lines 1663-1672).

Registration cards are not transferable or assignable. Each card must be stored with the corresponding firearm in the registrant's home and carried with the firearm if it is transported outside of the home. The registrant must show the card to any law enforcement officer who asks to see it (lines 1673-1677).

If DESPP revokes a registration card or denies an application to register or renew a firearm, it must give the registrant or applicant the (1) reasons for the adverse action in writing and (2) appeal procedures available. An applicant aggrieved by a final decision may appeal under the Uniform Administrative Procedure Act (lines 1678-1686).

When a decision to deny an application to register, renew a registration card, or revoke a registration card becomes final, the applicant or registrant must immediately surrender to DESPP the firearm that is the subject of the denial or revocation (lines 1687-1692). If the person fails to do so, DESPP must retrieve the firearm within 48 hours (lines 1693-1697). (The bill does not specify what DESPP can do with the firearms.)

EFFECTIVE DATE: July 1, 2013

#### **REGISTRATION CARD EXPIRATION (§ 41)**

Registration cards are valid for one year. DESPP must mail renewal notices at least 90 days before the cards expire, and applicants must submit renewal applications to DESPP at least 60 days before their card expires. (The bill authorizes DESPP to charge a fee to cover the administrative costs of registering firearms (§ 35). It is unclear if this applies to renewal as well.)

DESPP must conduct state and national criminal history record checks on anyone renewing a registration card and follow the same procedures as for approving or denying an initial application.

EFFECTIVE DATE: July 1, 2013

#### **MAINTENANCE AND USE OF REGISTRATION INFORMATION (§ 42)**

The bill requires DESPP to retain an accurate record of all applications and related information. The information must be available for law enforcement purposes only.

EFFECTIVE DATE: July 1, 2013

#### **CHANGES IN REGISTRATION INFORMATION (§ 43)**

Registrants must report to DESPP no later than 48 hours after they discover or should have discovered any change in their status that would affect their eligibility to own or possess a firearm or registration card. They must report no later than 14 days after the occurrence of (1) any change in the information appearing on the registration card that would not affect their eligibility for the registration card or (2) the time he or she knew or should have known of the loss, theft, or destruction of a registration card.

EFFECTIVE DATE: July 1, 2013

#### **APPROPRIATIONS (§ 44)**

The bill appropriates -----to DESPP for the fiscal year ending June 30, 2014, to increase the ability of the forensic science laboratory of the Division of Scientific Services to timely process firearms and fired components of ammunition submitted to the laboratory and enter such evidence into the firearms evidence databank.

EFFECTIVE DATE: July 1, 2013

#### **BACKGROUND**

##### ***Assault Weapons***

Under existing law, certain assault weapons defined by criteria, rather than specific name, are exempt from the state transfer restrictions and registration requirements if they were legally manufactured before September 13, 1994 ([CGS § 53-202m](#)).

The law also allows possession of certain specified assault weapon models under certain circumstances. A person may possess an Auto-Ordnance Thompson type, Avtomat Kalashnikov AK-47 type, MAC-10, MAC-11, or MAC11 Carbine type assault weapon if (1) it was obtained in good faith on or after October 1, 1993 and before May 8, 2002, (2) the possessor is not prohibited from possessing the weapon under any other law, and (3) the possessor notified DESPP before October 1, 2003 that he or she possessed the specific weapon ([CGS § 53-202n](#)).

## Appendix 1: Gun Offenses Subject To Registration

<b>Offense</b>	<b>Cite</b>
Interference with the legislative process	2-1e(c)
Possessing or carrying a handgun where prohibited by law or the person who owns or exercises control over the premises	29-28(e)
Sell or otherwise transfer handgun to ineligible person, violation of transfer procedures	29-33(a) to (e)
Failure to document handgun transfer with DESPP	29-33(e)
Sell or transfer handgun in violation of statutory transfer procedures	29-33(i)
Make false statement or give false information in connection with purchase, sale, delivery or other transfer of handgun	29-34
Illegally sell, barter, hire, lend, give, deliver, or otherwise transfer handgun to anyone under age 21	29-34
Carry a handgun without a permit	29-35(a)
Remove, deface, alter or obliterate the name of any maker or model or any maker's number or other mark of identification mark on any firearm	29-36
Failure to transfer, deliver, or surrender handguns by persons ineligible to possess them	29-36k
Violation of transfer procedures for long guns; failure to document transfer	29-37a
False statement or information in connection with sale or transfer of long gun	29-37e
Noncompliance with law governing sale, delivery, or transfer of firearms at gun show	29-37g(c)
Buy firearms intending to transfer it to ineligible person ("strawman purchase")	29-37j
Ineligible person soliciting, employing, or assisting anyone in strawman purchasing	29-37j
Possess or use a machine gun in the perpetration or attempted perpetration of a violent crime	53-202(b)
Uses or possesses a machine for an offensive or aggressive purpose	53-202(c)
Transfer, sell or give a machine gun to a person under age 16	53-202(c)
Illegally sells, gives, distributes, transports, or imports assault weapon	53-202b
Illegally possesses assault weapon	53-202c
Failure to register machine gun	53-202 (g)
Commit a class A, B, or C felony with an assault weapon	53-202j
Commit an A, B, or C felony with firearm other than assault weapon	53-202k
Knowingly distribute, transport, import, or keep for sale armor piercing .50 caliber bullet or incendiary .50 caliber bullet	53-202l
Firearm trafficking	53-202aa
Unlawful training in use of firearms, explosives or incendiary devices or techniques capable of causing injury	53-206b

**Appendix 1 (continued)**

<b>Offense</b>	<b>Cite</b>
Sell, deliver, or provide firearm to another person to engage in conduct constituting an offense or under circumstances in which he should know that such other person intends to use such firearm in such conduct	53a-8(b)
Manslaughter in the 1 <sup>st</sup> degree with a firearm	53a-55a
Manslaughter in the 2 <sup>nd</sup> degree with a firearm	53a-56a
Assault in the second degree with a firearm	53a-60a
Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the 2 <sup>nd</sup> degree with a firearm	53a-60c
Sexual assault in the 3 <sup>rd</sup> degree with a firearm	53a-72b
Kidnapping in the 1 <sup>st</sup> degree with a firearm	53a-92a
Kidnapping in the 2 <sup>nd</sup> degree with a firearm	53a-94a
Burglary in the 2 <sup>nd</sup> degree with a firearm	53a-102a
Burglary in the 3 <sup>rd</sup> degree with a firearm	53a-103a
Possession of a sawed off shotgun or silencer	53a-211
Stealing a firearm	53a-212
Criminal use of a firearm or electronic defense weapon	53a-216
Criminal possession of a firearm or electronic defense weapon	53a-217
Criminally negligent storage of a firearm	53a-217a
Illegal possession of a weapon on school grounds	53a-217b
Criminal possession of a handgun	53a-217c
Second or subsequent violation of failure to report the loss or theft of a firearm	53-202g
A violation of any statute that constitutes a felony, provided the court makes a finding that, at the time of the violation, the person used a firearm, or was armed with and threatened the use of, or displayed or represented by words or conduct that the person possessed, a firearm.	

VR: car